

1 EDMUND G. BROWN JR.  
Attorney General of the State of California  
2 DAVID S. CHANEY  
Chief Assistant Attorney General  
3 FRANCES T. GRUNDER  
Senior Assistant Attorney General  
4 THOMAS S. PATTERSON  
Supervising Deputy Attorney General  
5 LILY A. KORMAN, State Bar No. 242688  
Deputy Attorney General  
6 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
7 Telephone: (415) 703- 5507  
Fax: (415) 703-5843  
8 Email: Lily.Korman@doj.ca.gov

9 Attorneys for Defendants C. Wilber, F. Jacquez, R.  
Horel, and J. Robertson  
10

11  
12 IN THE UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15 **MICHAEL LYNN WATERS,**

16 Plaintiff,

17 v.

18 **A.W. COOK, et al,**

19 Defendants.  
20

C 07-4683 CRB (PR)

**DEFENDANTS' WAIVER OF  
REPLY AND DEMAND FOR  
JURY TRIAL**

Judge: The Honorable  
Charles R. Breyer

21 **WAIVER OF REPLY**

22 Defendants C. Wilber, F. Jacquez, R. Horel, and J. Robertson waive their right to reply  
23 to Plaintiff's complaint, and plan to file a responsive motion within ninety days of the Court's  
24 order screening the complaint under 28 U.S.C. § 1915A (Order Partial Dismissal and Service,  
25 Jan. 11, 2008). Under the Prison Litigation Reform Act, a defendant in a prisoner suit may  
26 waive the right to reply without admitting the complaint's allegations. 42 U.S.C. § 1997(e)(g).  
27 The court may not grant the plaintiff any relief unless a reply has been filed. *Id.* And the court  
28 may order a defendant to file a reply only "if it finds that the plaintiff has a reasonable


1 opportunity to prevail on the merits.” *Id.*

2 **DEMAND FOR JURY TRIAL**

3 Defendants Hatton, Billings, Rodriguez, Baker, Mata, Picazo, Moore, Mendoza, and Rocha  
4 demand a trial by jury in this case.

5  
6 Dated: March 12, 2008

7 Respectfully submitted,  
8 EDMUND G. BROWN JR.  
Attorney General of the State of California  
9 DAVID S. CHANEY  
Chief Assistant Attorney General  
10 FRANCES T. GRUNDER  
Senior Assistant Attorney General  
11 THOMAS S. PATTERSON  
Supervising Deputy Attorney General  
12

13  
14   
15 LILY A. KORMAN  
16 Deputy Attorney General  
Attorneys for Defendants C. Wilber, F. Jacquez, R. Horel, and J.  
17 Robertson  
18

19 40228111.wpd  
SF2008400642  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Waters v. Cook, et al.,**

No.: **C 07-4683 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **March 12, 2008**, I served the attached

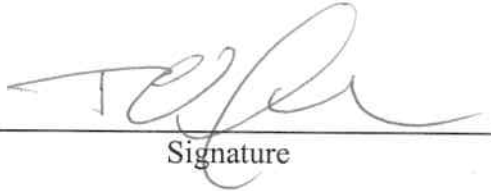
**DEFENDANTS' WAIVER OF REPLY AND DEMAND FOR JURY TRIAL**

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Michael Lynn Waters, P-16171**  
**Pelican Bay State Prison**  
**A-1-208**  
**P. O. Box 7500**  
**Crescent City, CA 95532**  
*In Pro Per*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **March 12, 2008**, at San Francisco, California.

T. Oakes  
Declarant

  
Signature